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Appln. No. 10/826,722  
Amendment dated April 8, 2008  
Reply to Office Action mailed January 8, 2008

**REMARKS**

Reconsideration is respectfully requested.

Claims 2 and 4 through 9 have been cancelled.

No claims have been withdrawn.

Claims 10 through 16 have been added.

Therefore, claims 1, 3, and 10 through 16 are pending in this application.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

**Paragraph 3 of the Office Action**

With regard to the list of references in the specification, the Examiner's comments are understood and appreciated.

**Paragraph 4 of the Office Action**

Claims 4 through 9 have been objected to because claims 7 through 9 are verbatim duplicates of claims 4 and 5.

It is noted that previously claim 7 required, in part, "aggregate information associated with the transaction in a profile corresponding to the user if the computerized transaction is determined to be associated with the user". This requirement did not appear in claim 4, or claims 5 or 6, which depended from claim 4. It is submitted that, based upon this distinction, it cannot be said that claim 7 was a "verbatim duplicate" of claim 4, or claims 5 and 6 which depend from claim 4. However, claims 4 through 9 have been cancelled in favor of claims 10 through 16, and the objection to claims 4 through 9 is therefore submitted to be moot.

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**Paragraphs 5 and 6 of the Office Action**

Claims 1 through 9 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

The above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claims 1 through 9 is therefore respectfully requested.

**Paragraphs 7 and 8 of the Office Action**

Claims 1 through 9 have been rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 has been amended in a manner believed to overcome the rejection.

Withdrawal of the §101 rejection of claims 1 and 3 is therefore respectfully requested.

**Paragraphs 9 through 13 of the Office Action**

Claims 1, 3, 4, 6, 7 and 9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Garrett.

Claims 2, 5 and 8 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Garrett in view of Jacobi.

Claim 1 has been amended to include requirements of claim 2, and thus requires, in part, "presenting, by the computerized transaction system, to the user one or more of: a special offer, a promotion, a product recommendation, and a product suggestion, that is tailored to one of the user and the third party using the aggregated information associated with the transaction".

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It is conceded in the rejection of claim 2 that the Garrett patent does not anticipate the requirements of claim 2, but it is asserted that:

Furthermore Garrett, as shown, discloses the following limitations:

- *presenting a product offering tailored to one or more of the user and the third party using the aggregated information associated with the transaction (see at least column 7, lines 39-40 shopping list, see also Figure 5).*

However, it is submitted that the portion of the Garrett patent identified in the rejection (or any other portion of Garrett patent, for that matter), does not in fact disclose what is alleged above. More specifically, Garrett states at col. 7, lines 39 through 42, that:

It is also possible to call into view the "shopping list" file to review the selection/purchase status for each party individually, as will be exemplified below when FIG. 5 is described.

It is submitted that this portion of the Garrett patent does not disclose "presenting to the user one or more of: a special offer, a promotion, a product recommendation, and a product suggestion". Garrett merely discusses the display of items that the user has already ordered, whether for him- or her-self, or for others. There is no suggestion here that any of these previously selected items are "tailored to one of the user and the third party using the aggregated information associated with the transaction".

It is further alleged in the rejection of the Office Action that:

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine capacity to differentiate between purchase histories and item selections for various parties within one user's account (the invention of Garrett) with the automated generation of product promotions/recommendations (the invention of Jacobi) because the combination "will have a tendency to identify other [products] that are well suited for the gift recipient." {Jacobi, column 6, lines 20-21; Jacobi used books in this quote only as an example which is evident in the context of lines 18-22.)

However, since the Garrett patent does not disclose the use of the information in its database for any recommendations, and certainly does not

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suggest making any distinction between the information stored in the database for the purposes of making recommendations, and the Jacobi patent merely discusses making recommendations based upon the user's shopping cart contents (past and present) without any regard as to the actual recipient or user, it is submitted that one of ordinary skill in the art would not make such a distinction. Furthermore, with respect to the portion of Jacobi quoted in the rejection, it appears to address the books that are currently in the shopping cart. Jacobi addresses this further in the lines following the cited portion, where it states at col. 6, lines 23 through 44 that:

Another feature of the invention involves generating recommendations that are specific to a particular shopping cart. This allows a user who has created multiple shopping carts to conveniently obtain recommendations that are specific to the role or purpose to the particular cart. For example, a user who has created a personal shopping cart for buying books for her children can designate this shopping cart to obtain recommendations of children's books. In one embodiment of this feature, the recommendations are generated based solely upon the current contents of the shopping cart selected for display. In another embodiment, the user may designate one or more shopping carts to be used to generate the recommendations, and the service then uses the items that were purchased from these shopping carts as the items of known interest.

Thus, Jacobi presents a different solution to one of ordinary skill in the art for the "problem" of different gift recipients than that suggested by the allegedly obvious combination.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of Garrett and Jacobi set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 2, 5 and 8.

Withdrawal of the §103(a) rejection of claims 2, 5 and 8 is therefore respectfully requested.

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**CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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